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SUBJECT: DIVIDED GOVERNMENT -- TENSIONS RISE IN EXECUTIVE BRANCH

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Classified By: PMIN Robert S. Ford for reasons 1.4 (b) and (d).

I1. (C) Summary. Tensions that could impede political progress have grown further between the Prime Minister and the Presidency Council (PC) over different conceptions of executive authority, failed promises, and anxiety about the internal balance of power after national elections. PM Maliki has expanded his office's authority more easily because of his success at providing security, divisions among his rivals, and because other governmental bodies have not exercised their full authority. Unfulfilled promises give the Kurds the conviction that Maliki is merely trying to delay issues until after national elections. As the U.S. pursues its near-term objectives, we must keep these divisions in mind and manage them in everything from protocol during high-level visits to making the right kinds of approaches on policy issues of importance to us. Iraqis probably will suspect us of favoring one faction over another by how we execute our policy and, at the same time, will look to us to guarantee agreements they reach with domestic rivals. End summary.

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Presidency Council's Litany of Complaints

I2. (S) Policy tensions and jealousies have increased between the Prime Minister and the Presidency Council (PC), which could impede political progress this year on issues such as Arab-Kurd disputes and the execution of national elections. The Presidency Council's power resides in the legislative veto of each of its members -- President Jalal Talabani (Kurdish Alliance), Vice President Tariq al-Hashimi (Iraq Islamic Party, Sunni), and Vice President Adil Abd al-Mahdi (Islamic Supreme Council of Iraq, Shia). The Talabani - Hashimi - Abd al-Mahdi line-up also reflects an alliance of their Kurdish bloc - Iraqi Islamic Party - Islamic Supreme Council of Iraq alliance in parliament. This parliamentary alliance likely sees the next few months as the last opportunity to obstruct Prime Minister Nuri al-Maliki from using his victory in provincial elections to springboard himself to success during the national election that are likely to occur in January.

I3. (S) Presidency Council members complain to us that the U.S. has long favored PM Maliki and built up his authority at the expense of their own institutional stature and other checks-and-balances enshrined, albeit ambiguously, in the

Iraqi Constitution. From the PC we hear complaints that the U.S. in late 2007 blocked a vote of no confidence against Maliki in the parliament in order to have a stable government with which to negotiate the Security Agreement (SA) (ref A). They claim the U.S. failed to encourage Maliki to address a binding political reform resolution listing grievances against his government that passed parliament in November 2008 as part of a compromise over the SA (ref B) -- a resolution that VP Hashimi handed to President Obama during his April 7 visit to Baghdad. We hear from the PC that the U.S. treats Maliki as superior to all other Iraqi leaders. For example, VP Abd al-Mahdi has (incorrectly) complained to us that we failed to seek the PC's input during SA negotiations (ref C).

¶4. (C) In March 2009 the PM insisted on representing Iraq at the Arab League Summit in Doha, even though the invitation Qat the Arab League Summit in Doha, even though the invitation was addressed to President Talabani. In the end, Talabani relinquished the invitation to PM Maliki but the Presidency Council issued a press statement warning that the Prime Minister shares power, according to the Iraqi constitution. Tensions rose even higher during President Obama's April 7 visit when, to the PC's perspective, Maliki got more time with the U.S. President, including a press event, and more hospitable treatment.

Frustration Reflects PC's Weaker Position

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¶5. (C) Maliki indeed has utilized constitutional ambiguities to significantly expand his power as the Iraqi state stood up around him. The parliament authorized large sums for the Prime Minister's office in CY 2008, and Maliki also accesses funding from the security ministries that he so closely watches. Maliki has created security operations commands

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that report to him directly, bypassing the Kurdish Army Chief of Staff, as well as a personal military staff—the Office of the Commander-in-Chief—that sometimes bypasses the military chain of command to issue orders to combat units. The Counter-Terrorism Bureau also reports into his office as does the Implementation and Follow-up Committee for National Reconciliation (IFCNR) that manages outreach to tribes and reconcilable armed groups. The Minister of State for National Security has created a large intelligence apparatus again under the direct authority of the Prime Ministry. In the young Iraqi state, Maliki has moved to fill what in many cases was a vacuum with officials loyal to him.

¶6. (S) Moreover, Maliki, who survived decades as a Shia Islamist conspirator in Damascus, is instinctively reluctant to consult others and trusts only a handful of Da'wa insiders (ref D). Maliki's inability or unwillingness to consult with the President and two Vice Presidents leaves them feeling slighted in this honor-bound society. Moreover, they argue that per article 80 of the Iraqi constitution, the Cabinet is responsible for making major policy decisions, not the Prime Minister alone. They insist that the Cabinet should be voting on major issues, but in the absence of Cabinet action the Prime Minister willingly acts. The Presidency Council can veto legislation but has little other direct authority.

¶7. (C) Thus, the PC's frustration with Maliki (and us) stems from their constitutionally weaker executive position, their parties' inability to unify against Maliki, and their jealousies stemming from Maliki's rise in popularity as the Iraqi people credit him with delivering security (a drop in violence) and sovereignty (a timeline for U.S. military withdrawal). The PC in March successfully worked with parliament to chip away at Maliki's budget (ref E) but still seek enhanced power-sharing that places the Cabinet, not the PM, as the planner and executor of domestic and foreign policy.

¶ 8. (C) The political reform resolution passed in November calls for the end of "unconstitutional institutions and bodies," expedited release of detainees, settlement of refugees, and incorporation of the Sons of Iraq (SOI) into government programs. The progress that has been made on all of these issues probably falls short of expectations, especially for the Sunnis who are pressing for quicker detainee releases, implementation of de-Ba'thification reform, and reliable payments for SOIs. During the drafting of this resolution, Maliki detractors sought assurances from the Embassy that the SA would not give Maliki free reign to use security forces and other instruments of power to intimidate rivals.

¶ 9. (C) The Kurds probably were convinced the Five Committees established in November to address the most pressing issues, including disputed boundaries (ref F), would amount to something. These committees, however, have stalled since December. President Talabani and his fellow Kurds suspect Maliki is using newly devised committees and promising overtures, such as next week's planned Da'wa delegation to Irbil, to delay -- to fend off his dissenters in parliament with promises of concessions -- until national elections give him a larger bloc in parliament. On issues ranging from containing Arab-Kurd tensions to new legislation from the parliament, if the Prime Minister and his allies do not find common ground with the Presidency Council and the political Qcommon ground with the Presidency Council and the political blocs they represent, Iraq will witness stalemate at least until the new government is formed in spring 2010.

Digging In, Iraqis Look to U.S. as Broker

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¶ 10. (C) As we attempt to focus Iraqi leaders' attention on addressing Arab-Kurd tensions, containing Shia/Sunni Arab tensions, enacting hydrocarbons legislation and a new national elections law, grievances between the PM and PC are likely to arise, probably stalling political progress and encouraging the Iraqis to once again turn to the U.S. to forge compromise or offer rewards to those who feel they are giving too much to their domestic rivals. Moreover, Iraqi political leaders generally like to negotiate guaranteed outcomes, and as impending national elections create uncertainty about the future balance of power, in their negotiations about issues like those above they may well turn to us as a guarantor of last resort.

Comment: Engage with Patchwork Leadership

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¶ 11. (C) Iraq's government is not unitary, but rather a

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patchwork of leaders who are trying to carve out political constituencies and forge alliances that will guarantee their political survival. The U.S. is caught in the middle of this internal squabble about balance of power. As we engage in pursuit of our near-term political objectives (ref G), we need to be conscious of how the Prime Minister and the Presidency Council are watching us for signals of our favoritism. To nudge these two warring camps forward we will need

-- to find solutions that enable both the Prime Ministry and the Presidency Council (and the blocs in parliament behind it) to claim victory -- meaning that major decisions will still need to involve a large degree of consensus;

-- to include the Presidency Council's members, and their parliamentary allies, in our consultations about major issues early on in our lobbying efforts;

-- to be keenly respectful of the protocol sensitivities in both camps; and

-- to keep warning the Presidency Council and its parliamentary allies that we would not favor a no-confidence vote in Maliki unless they have firmly agreed ahead of time on who the new Prime Minister and his top cabinet ministers would be so that we do not have a long period of paralysis.

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